IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No. 131 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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COMMISSIONER OF WEALTH TAX - Applicant(s)
Versus
LT COL ASHOK RAJE GAEKWAD - Respondent(s)

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Appearance :
MR MANISH R BHATT for Applicant(s) : 1,
NOTICE SERVED for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE M.R. SHAH

Date : 18/07/2006

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

Mrs. Bhatt, learned counsel for the Revenue.

2. At the instance of the Revenue, the Income Tax Appellate Tribunal has referred the following question to this Court for our answer;

> “Whether, on the facts and in the circumstances of the case and in law, the Tribunal is right in holding that the assessee (HUF) despite its being HUF is entitled to the benefit of section 7(4) of the Wealth Tax Act in respect of property known as 'Dhairya Prasad'?”

Identical question, between the same parties, is answered by us against the interest of the Revenue in W.T.R. No. 93 of 1995 decided on 17.7.2006 and W.T.R. No. 116 of 1995 decided today itself. In view of the said Judgment, the question, referred for our answer, is decided

against the Revenue.

[R.S. Garg, J.]

[M.R. Shah, J.]

RMR.